

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE: BRAC GROUP, INC. (F/K/A)	Chapter 11
BUDGET GROUP, INC., <u>ET AL.</u> ,)
)
Debtors.) Case No. 02-12152 (CJC)
)
IN RE: BRAC GROUP, INC. (F/K/A)	(Jointly Administered)
BUDGET GROUP, INC., <u>ET AL.</u> ,)
)
Plaintiffs and Counterclaim Defendants,)
)
v.) Adversary No. A-03-54271
)
JAEBAN (U.K.) LIMITED,) Response Deadline:
and) 4:00 PM on September 3, 2004
IBRAHIEM JAEBAN)
)
Defendants and Counterclaim Plaintiffs.)

**DEFENDANT/COUNTERCLAIM PLAINTIFF IBRAHIEM JAEBAN'S
MOTION TO EXTEND DEADLINES IN REVISED PRE-TRIAL
SCHEDULING ORDER AND MEMORANDUM IN SUPPORT**

Comes Now Ibrahim Jaeban, by and through his undersigned counsel, with this his Motion To Extend Deadlines In Revised Pre-trial Order, and in support thereof states as follows:

Relief Requested

Because of the circumstances described below, Mr. Jaeban requests that the Court extend the deadlines in the Revised Pre-Trial Order until the parties can meet, confer, and attempt to submit to the Court an agreed-upon Second Revised Pretrial Scheduling Order.

Memorandum

The relief requested is appropriate under the factual circumstances. In an effort to comply with the agreed-upon scheduling order submitted by the parties and entered by the court on

August 3, 2004, respective counsel for Mr. Jaeban and for BRACII traveled to England with the intention of taking approximately ten depositions of fact witnesses who reside in England. Most of those fact witnesses are expected to be unavailable to testify at trial. The depositions were scheduled to begin on August 4, 2004 and were scheduled to conclude on or before the August 23, 2004 deadline for taking depositions pursuant to the courts Revised Pretrial Scheduling Order (the "Deposition Deadline").

Because of unanticipated discovery and logistical issues, the parties were unable to complete the depositions, and currently anticipate that an additional trip to England to take the depositions will be necessary. Due to those issues, Mr. Jaeban and BRACII are unable to complete the depositions by the current Deposition Deadline. Because of the schedule of counsel, including Mr. Jaeban's trial counsel, it is unlikely that those depositions can be scheduled before October.

Mr. Jaeban requests that this Court enter an order in the form attached as Exhibit "1" extending the Deposition Deadline and the dates for filing and briefing summary judgment motions by sixty days and requiring the parties to confer in an attempt to submit a proposed joint scheduling order. The grant of this motion would facilitate the presentation of the case on its merits, as it is a practical impossibility to conduct a meaningful trial of this proceeding without the testimony of the witnesses located in England. The entry of the order attached as Exhibit "1" would allow counsel for the parties to confer and, it is hoped, submit a schedule for the remaining depositions and briefing in an efficient but realistic manner.

The relief requested in this motion is not being sought for the purpose of delay or any other improper purpose, and Mr. Jaeban submits that no party will be prejudiced by the granting of the relief requested.

Wherefore, based on the foregoing, Mr. Jaeban requests that this Court enter the order attached hereto as Exhibit "1" and grant such other and further relief as it deems appropriate.

August 23, 2004

Werb & Sullivan

/s/ Robert Wilcox
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